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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. CR00-327-TSZ
10 v.)
11 DAVID ARNOLD BURKE,) SUMMARY REPORT OF U.S.
12 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on July 13, 2012. The United States was represented by AUSA Thomas Bates and the
16 defendant by Lynn Hartfield for Paula Deutsch. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about September 29, 2000 by the Honorable
18 Thomas S. Zilly on a charge of Armed Bank Robbery (two counts) and Bank Robbery (two
19 counts), and sentenced to 150 months custody, 5 years supervised release.¹

20 The conditions of supervised release included the standard conditions plus the

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22 ¹ The Judgment could not be accessed on CM/ECF. This information is taken from the violation report
filed by the Probation Officer. (Dkt. 80)

01 requirements that defendant submit to search and reside in a residential re-entry center for up to
02 120 days. (Dkt. 66, 80.)

03 On June 18, 2012, defendant admitted violating the conditions of supervised release by
04 testing positive for heroin and marijuana, failing to report for urinalysis, testing positive for
05 heroin and cocaine, and failing to participate in substance abuse treatment. (Dkt. 78.) A
06 disposition hearing was set before Judge Zilly on August 2, 2012. Defendant was released on
07 an appearance bond. (Dkt. 79.)

08 In an application dated (Dkt. 80, 81), U.S. Probation Officer Jennifer J. Tien alleged the
09 following violations of the conditions of supervised release:

10 1. Using cocaine and marijuana, on or before June 7, 2012, in violation of standard
11 condition No. 7.

12 2. Using cocaine, marijuana and opiates, on or before June 28, and July 2, 2012, in
13 violation of standard condition No. 7.

14 Defendant was advised in full as to those charges and as to his constitutional rights.

15 Defendant admitted these violations and waived any evidentiary hearing as to whether
16 they occurred. (Dkt. 82.)

17 I therefore recommend the Court find defendant violated his supervised release as
18 alleged in violations five and six, and that the Court conduct a hearing limited to the issue of
19 disposition. The next hearing will be set before Judge Zilly.

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01 Pending a final determination by the Court, defendant has been detained.

02 DATED this 16th day of July, 2012.

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05 Mary Alice Theiler
06 United States Magistrate Judge

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09 cc: District Judge: Honorable Thomas S. Zilly
10 AUSA: Thomas Bates
11 Defendant's attorney: Paula Deutsch, Lynn Hartfield
12 Probation officer: Jennifer J. Tien
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